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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,577	08/24/2001	Shigeo Mikoshiba	Q65912	8851

7590 07/28/2005
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EXAMINER	
COLON, GERMAN	
ART UNIT	PAPER NUMBER
2879	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 09/935,577	Applicant(s) MIKOSHIBA ET AL.	
	Examiner German Colón	Art Unit 2879	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 June 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 29 June 2005. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-7.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). 052705
 13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

Applicants argue Murata fails to disclose the fluorescent material on the front faceplate; and noted that they may be their own lexicographers and defined the claimed invention (in particular the front faceplate) in whatever terms they choose.

The Examiner concedes that Applicants may be their own lexicographers. However, while the portions cited from the specification exemplified the front faceplate as that in the direction of the observer, those sections do not unequivocally define a front faceplate as such. If Applicants amend the claims to indicate that the first or front faceplate is that which faces the observer, the rejections in view of Murata will be withdrawn.

Applicants argue that Ohsawa recognizes that the face panel coated fully with the phosphor cannot be practically used.

This is not persuasive. Column 9, lines 32-36 recite "There is no problem if the light output face (face panel) can be coated fully with the phosphor. However, the current face panel cannot be coated enough to use the ultraviolet ray effectively in connection with the light output needed to display."

As clearly stated in the aforementioned citation, Ohsawa teaches a way of carrying out the invention, not away. First, Ohsawa is supporting his position on the need for controlling the thickness of a phosphor by providing a thin fluorescent layer which avoids attenuation of light (see Col. 6, lines 7-10 and 20-25). Second, even if Applicant's allegation of Ohsawa teaching not to fully coat the faceplate was accurate, the claim language only requires a phosphor layer disposed on the faceplate and recites no limitations about said layer being continuous or covering all the area of the faceplate. Applicant should also consider the Figs which disclose a phosphor layer on the front faceplate.

Applicant argues that Ohsawa teaches that the front face panel can be coated effectively only when a thin film interference filter is used.

This is not persuasive. For the sake of argument, even if Ohsawa teaches that the front panel can be coated effectively only when a thin film interference filter is used, the claims do not prohibit the presence of such interference filter.

Applicants' arguments regarding Anandan in view of Murata were addressed in the last Office Action. For the reasons stated above the rejection of the claims is deemed proper..

Karabi Guharay
KARABI GUHARAY
PRIMARY EXAMINER